IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P.(PD)No.988 of 2006
& MP No.1 of 2006

S.Banumathi .. Petitioner

Vs.

Janakiammal .. Respondent

Civil Revision Petition under Article 227 of the Constitution of India against the order dated 19.06.2006 made in I.A.No.94 of 2006 in R.C.A.No. ...of 2006 on the file of the Principal Subordinate Judge, Erode.

For petitioner : Mr.I.C.Vasudevan

For respondent : No appearance

ORDER

The above Civil Revision petition is directed against the order of the learned Principal Subordinate Judge, Erode, dated 19.06.2006 made in I.A.No.94 of 2006 in R.C.A.No. ...of 2006, in and by which, the learned Judge has directed the petitioner/appellant to deposit a sum of Rs.40,000/- towards arrears on or before 18.07.2006, failing which the petition for condonation of delay shall stand dismissed automatically.

2. Heard the learned counsel appearing for the petitioner.

3. The parties are none else than the daughter and mother. The petitioner herein is the daughter and the respondent is the mother. According to the petitioner, there was a delay of 51 days in filing the Rent Control Appeal. No doubt, the petitioner owes a sum of Rs.40,000/- towards arrears. It is also brought to my notice that pursuant to the direction of this Court dated 19.06.2006, the petitioner herein has deposited a sum of Rs.20,000/- to the credit of R.C.O.P.No.12 of 2003 on the file of Subordinate Judge, Erode.

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4. The above statement of the counsel for the petitioner is hereby recorded. Considering the relationship of the parties and of the fact that there was a delay of only 51 days in filing the Rent Control Appeal and also of the fact that the petitioner, to show her bonafide, had deposited a sum of Rs.20,000/-, I am inclined to afford an opportunity to her to pursue the Rent Control Appeal. On this ground, the order of the Principal Subordinate Judge, Erode District, dated 19.06.2006 made in I.A.No.94 of 2006 in RCA No..... of 2006 is set aside and the Civil Revision Petition is allowed. No costs. M.P.No.1 of 2006 is closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Principal Subordinate Judge, Erode.

2.The Principal District Munsif Court,
Erode.

1 cc to Mr.I.C.Vasudevan, Advocate, SR.57560

mm (co)

dv/5.12.06

CRP PD No.988 of 2006

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